

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 26 2012 ★

MARK MARAGH,

BROOKLYN OFFICE

Plaintiff.

**STIPULATION AND ORDER  
OF DISCONTINUANCE**

-against-

11 Civ. 1748 (JBW)(VVP)

THE CITY OF NEW YORK, and P.O.'s "JOHN DOE" #  
1-10, Individually and in their Official Capacities (the  
name John Doe being fictitious, as the true names are  
presently unknown),

Defendants.

WHEREAS, plaintiff Mark Maragh commenced this action by filing a Complaint on or about April 11, 2011, and an Amended Complaint on or about July 1, 2011, alleging that defendants violated his legal rights under federal and state law; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff and defendants desire to resolve the issues raised in this matter without further proceedings and without admission of fault or liability; and

WHEREAS, no party herein is an infant or incompetent for whom a Committee has been appointed; and

WHEREAS, there is no person not a party who has any interest in the subject matter of this proceeding;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
between the parties, as follows:

sc

1. Any and all claims against the City of New York, John Doe Police Officers, any present or former employees and agents of the City of New York, or any agency thereof, who were or could have been named in this action, are voluntarily withdrawn and dismissed, whether they arise under federal or state law, with prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), without costs or attorneys fees to either party; and

2. Defendant City of New York expressly reserves its rights under Fed. R. Civ. P. 41(d); and

3. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter herein shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York

July 23, 2012

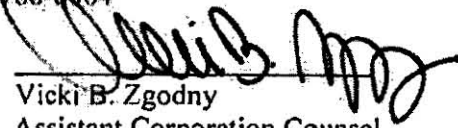
Joshua Fitch, Esq.  
*Attorney for Plaintiff*  
Cohen & Fitch LLP  
233 Broadway, Suite 1800  
New York, NY 10007

By:

  
Joshua Fitch, Esq.

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
*Attorney for Defendant City of New York*  
New York, New York 10007  
(212) 788-8084

By:

  
Vicki B. Zgodny  
Assistant Corporation Counsel

SO ORDERED:

  
HON. JACK B. WEINSTEIN, U.S.D.J.

7/24/12  
Date



**MICHAEL A. CARDOZO**  
*Corporation Counsel*

**THE CITY OF NEW YORK  
LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

**Vicki B. Zgodny**  
*Assistant Corporation Counsel*  
(212) 788-8084  
(212) 788-9776 (fax)  
vzgodny@law.nyc.gov

July 23, 2012

**VIA ECF**

Honorable Jack B. Weinstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Mark Maragh v. City of New York, et al., 11-cv-01748 (JBW)(VVP)

Your Honor:

As counsel for defendant in the above-referenced action, I write to inform the Court that the parties have signed a stipulation of discontinuance in the above-referenced matter. In connection therewith, I enclose a fully-executed **STIPULATION OF DISCONTINUANCE** to be so ordered by Your Honor. We respectfully request that Your Honor endorse the enclosed **STIPULATION** and cancel the hearing on the motion for reconsideration that is scheduled for Wednesday, July 25 at 11:00 a.m. as moot.

We thank the Court for its time and attention to this request.

Respectfully submitted,

/s/  
Vicki B. Zgodny  
Assistant Corporation Counsel  
Special Federal Litigation Division

Encl.

cc: Honorable Viktor V. Pohorelsky (Via ECF)